

## **INITIAL STATEMENT OF REASONS**

### **TITLE 14. NATURAL RESOURCES DIVISION 1. FISH AND GAME COMMISSION – DEPARTMENT OF FISH AND GAME SUBDIVISION 2. GAME AND FURBEARERS CHAPTER 9. SHOOTING CLUBS**

#### **ADDING SECTION 602, TITLE 14 CALIFORNIA CODE OF REGULATIONS (SHARED HABITAT ALLIANCE FOR RECREATIONAL ENHANCEMENT)**

#### **SPECIFIC PURPOSE OF THE REGULATIONS**

Existing legislation (Article 3, Sections 1570-1574 Fish and Game Code) describes, and authorizes the Department of Fish and Game (DFG) to implement, the Shared Habitat Alliance for Recreational Enhancement (SHARE) program. The SHARE program was created in order to “encourage private landowners to voluntarily make their land available to the public for wildlife dependent activities.” Fish and Game Code Sections 1570-1574 also authorizes DFG to: 1) enter into contracts with private landowners, nonprofit organizations, governmental entities, or any other entities to provide payment (maximum payment not to exceed \$30/acre or \$50/user day) for allowing public use on their property; 2) to apply for grants (federal and otherwise), use existing funds in the Fish and Game Preservation Fund, and establish and impose user fees in an effort to fund the program appropriately; and 3) promulgate regulations to implement the program.

Specifically:

- 1) Section 602(a) defines what constitutes a SHARE program property;
- 2) Section 602(b) describes the landowner enrollment process;
- 3) Section 602(c) describes permitted uses allowed on a SHARE property;
- 4) Section 602(d) places responsibility on the permit holders to follow all state law and regulations governing the permitted activity;
- 5) Section 602(e and f) describes the public application and permit issuance process;
- 6) Section 602(g) describes access for law enforcement purposes;
- 8) Section 602(h) describes agreement cancellation.

## **NECESSITY**

A simple, clearly defined, and transparent application process for both the private landowner and public user is required for the SHARE program to successfully expand from a pilot program into a functioning general use program for which it was intended. Establishment of a reasonable application fee, in addition to grants and/or shifting of existing department funds, will be necessary to generate funds for landowner payments as the program expands.

## **TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDIES, REPORTS, OR DOCUMENTS**

The Secretary of the Natural Resources Agency reviewed similar program requirements and fee structures in determining the application standards, permitted public uses and drawing process, and application fee structure. The Secretary of the Natural Resources Agency did not rely on any other technical, theoretical, or empirical studies or reports in proposing the adoption of these regulations.

Public comments regarding the proposed regulation resulting from the public notification will be evaluated for inclusion in the final verbatim and responses will be prepared and submitted for all comments as part of the regulatory process. Additional public comments regarding this regulatory proposal will be solicited at a public meeting currently scheduled for November 28, 2011 in Sacramento, CA.

## **REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES**

There is no reasonable alternative to the proposed action. A simple, clearly defined, and transparent application process for both the private landowner and public user is required for the success of the program. Establishment of a reasonable application fee, in addition to grants and/or shifting of existing department funds, will be necessary to generate funds for landowner payments as the program expands.

## **REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE ECONOMIC IMPACT ON SMALL OR OTHER BUSINESSES**

The proposed regulatory action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Therefore, the Secretary of the Natural Resources Agency has not identified any alternatives that will lessen any adverse impact on small businesses.

## **EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS**

The proposed regulatory action identifies a landowner and public user application process to implement the Shared Habitat Alliance for Recreational Enhancement (SHARE) Program. The SHARE program provides state funded payments to private landowners in exchange for providing public access for recreational purposes to their property. The SHARE program does not create any new regulations, administrative requirements, or taxes which would impact any business. However, local economies around SHARE properties may benefit due to increased spending dollars at local, restaurants, gas stations, hotels, campgrounds, grocery stores, etc from members of the public utilizing local SHARE properties.